

# **DISCLAIMER**

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## **APPLICATION OF**

**WASHINGTON GAS LIGHT COMPANY**

**CASE NO. PUE000407**

**For approval of special rates pursuant to  
Virginia Code § 56-235.2**

## **HEARING EXAMINER'S RULING**

**October 31, 2000**

On July 28, 2000, Washington Gas Light Company ("Washington Gas") filed with the Commission an application pursuant to § 56-235.2 of the Code of Virginia for approval of special area development rates applicable to a defined area within its service territory in Loudoun County, Virginia. On August 24, 2000, the Commission issued an Order for Notice and Hearing which, among other things, established a procedural schedule for the filing of prefiled testimony and exhibits and scheduled a public hearing for November 8, 2000.

On October 30, 2000, Roanoke Gas Company ("Roanoke"), by counsel, filed a Motion to Late File Notice of Protest and Protest ("Motion"). Roanoke requested that its Notice of Protest and Protest, which are attached to the Motion, be accepted for late filing. Pursuant to the Commission's Order for Notice and Hearing, Notices of Protest were due to be filed by September 22, 2000, and Protests were due to be filed by October 6, 2000. By its Motion, Roanoke further requested that it be allowed to file rebuttal to Staff testimony on November 1, 2000.

Also on October 30, 2000, Commission Staff, by counsel, filed a response to Roanoke's Motion. Staff opposed the request, stating that such a late filing would be highly prejudicial to it. Staff further argued that if Roanoke desires to propose a surcharge for its customers similar to the proposed area development rate under consideration in the current proceeding, Roanoke may file its own application. Finally, Staff argues that Washington Gas has had ample time to solicit other gas utilities to appear as Protestants in support of the surcharge proposal.

I have been advised that counsel for Washington Gas and counsel for Northern Virginia Electric Cooperative do not oppose the Motion.

Upon consideration of the pleadings, I find Roanoke's Motion should be granted in part. Specifically, as a Protestant, Roanoke may only prefile direct testimony. That date has passed. To permit Roanoke to prefile direct testimony at this time would be prejudicial to the Staff and other parties. Accordingly,

### **IT IS DIRECTED:**

- (1) That Roanoke's Notice of Protest and Protest are accepted for late filing;
- (2) That Roanoke's request to file rebuttal testimony is hereby *denied*; and

(3) That counsel for Roanoke may participate in the November 8, 2000, hearing through cross-examining witnesses and filing a post-hearing brief.

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Alexander F. Skirpan, Jr.  
Hearing Examiner